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PROVISIONAL SUMMARY RECORD OF THE THIRTIETH MEETING

Held at the Parque Central, Caracas,
on Wednesday, 7 August 1974, at 11.10 a.m.

Chairman:	Mr. AGUILAR	Venezuela
later:	Mr. TUNCEL	Turkey
Rapporteur:	Mr. NANDAN	Fiji

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AS THIS RECORD WAS DISTRIBUTED ON 9 AUGUST 1974, THE TIME-LIMIT FOR CORRECTIONS WILL BE 16 AUGUST 1974.

The co-operation of participants in strictly observing this time-limit would be greatly appreciated.

COASTAL STATE PREFERENTIAL RIGHTS OR OTHER NON-EXCLUSIVE JURISDICTION OVER RESOURCES BEYOND THE TERRITORIAL SEA (A/9021; A/CONF.62/C.2/L.18, L.38 and L.40)

Mr. M. BOTHA (South Africa) said that his delegation supported a uniform 12-nautical-mile territorial sea beyond which, within the exclusive economic zone, the coastal State should exercise exclusive rights over the living resources.

With an annual catch of well over 1 million metric tons, South Africa was a major fishing country and had a vital interest in the concept of the exclusive economic zone, particularly with regard to fisheries. South Africa was in a position similar to those countries whose natural living marine resources were being depleted by foreign vessels with little or no regard for rational exploitation. Vessels from 11 foreign States had, during the past decade, ruthlessly expanded their onslaught on the large but not unlimited stocks off South Africa's coasts. Despite warnings by qualified scientists, the valuable hake resource in the south-east Atlantic was now being fished beyond the maximum suitable yield and attempts to rationalize the international fishing off South Africa's coasts through existing international bodies had met with little success. His delegation therefore supported the view that the coastal State should have exclusive jurisdiction over the living marine resources in the 200-mile economic zone since that was the only way to guarantee adequate protection from irrational exploitation. Furthermore, his delegation supported the right of a coastal State to adopt adequate conservation measures to ensure enforcement of its control regulations within the zone including, where necessary, the impounding of foreign vessels and the prosecution of their crews in the courts of the coastal State.

His delegation agreed that if a coastal State was unable to exploit its fisheries resources fully, other States should be allowed to share in the exploitation of those resources on a non-discriminatory basis. Without necessarily recognizing the so-called traditional fishing rights of foreign States in the zone, the coastal State should have sole discretion in that regard and should regulate such fishing activities by means of bilateral or multilateral agreements. Quotas to foreign fishing vessels should be allocated under licence and should be reviewed and adjusted regularly in accordance with scientific evidence as to the state of the stocks and the coastal States' fishing capability. Furthermore, any accommodation of neighbouring land-locked States in the sharing of the living resources of the sea should be effected by means of equitable bilateral agreements.

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(Mr. M. Botha, South Africa)

Highly migratory and other living resources of the high seas beyond the limits of national jurisdiction should be managed and controlled by competent international bodies, for example, the International Whaling Commission and the International Commission for the Conservation of Atlantic Tunas. In such cases, the competence and the enforcement capabilities of such bodies should be considerably strengthened to achieve the desired results.

His delegation believed that because of their unique life history, anadromous species required special management treatment. The control and management of such species should be the sole responsibility of the coastal State in whose rivers they spawned. From a purely scientific viewpoint, it was highly desirable that only the "spawning" State should be given the right to exploit the resource which it alone maintained. His delegation, however, believed that equitable bilateral agreements could be entered into in order to accommodate, within reason, other States to which such anadromous stocks might be of vital interest.

Finally, his delegation supported the continued activities of the existing international fisheries Commissions. Those Commissions provided an excellent forum for the transfer of marine technology, which his delegation strongly supported.

Mr. JEANNEL (France) introduced the draft articles contained in document A/CONF.62/C.2/L.40. It was rather unfortunate that the French language version of a document originally submitted in French should have been issued after the other language versions. Although the sponsors had wished to introduce the document under item 6, they were doing so under item 7, but wished it to be clearly understood that the draft articles were not a document on preferential rights. In preparing the articles, an effort had been made to go beyond the conflict between exclusive and preferential rights. Among the sponsors were representatives from coastal States and from States with long-distance fishing interests. The positions of countries dependent on fishing but with very limited resources and the position of the developing countries had also been taken into account; the whole document was the result of more than two years' work. The result was not spectacular and was unlikely to be greeted with great enthusiasm, but it represented the conclusion of the first really thorough study of fishery questions.

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(Mr. Jeannel, France)

The draft articles contained a complete system of basic regulations and the provisions required to enforce them. A regional approach had been taken to conservation issues because it had been felt that a coastal State approach was too limited.

The most important article of the draft was article 8, which must, however, be considered in conjunction with articles 2, 3, 7, 13 and 19. The provisions of article 8 operated at three levels: under paragraph 1 the coastal State was empowered to grant its nationals fishing rights in its zone but, under paragraph 2, it would have to recognize certain fishing rights of specified categories of foreign fishermen in the zone. Paragraph 3 covered certain special cases.

Provision for States members of customs unions was made in article 23.

The document before the Committee was a complicated one that would require very careful study by delegations which had not participated in the preparation. The sponsors would welcome constructive criticism and were conscious of the fact that there was room for improvements and additions.

The CHAIRMAN apologized to the representative of France for the delay in the issue of the French version of document A/CONF.62/C.2/L.40.

Mr. MUKUNA KABONGO (Zaire) said that the Conference was considering three areas: a 12-mile territorial sea; a 200-mile economic zone and the high sea itself. The idea of the contiguous zone was useful but unnecessary.

His delegation supported the approach to the exclusive economic zone set out in paragraphs 6 to 10 of the OAU Declaration on the issues of the law of the sea. Permanent sovereign rights over the living and mineral resources of the zone were an expression of a country's permanent sovereignty over its natural resources. He stressed the importance of the principle of regional solidarity: some of the geographically disadvantaged States had a legitimate claim to certain historical rights. Of equal importance was the principle set out in paragraph 10 of the OAU Declaration. The new law to be established must balance the interests of all States in order to be an instrument of international justice and must be based on international consensus. The concept of the economic zone was one that met the

(Mr. Mukuna Kabongo, Zaire)

requirements of the times. In order to ensure ratification of the Convention, the internationzalization of the continental shelf beyond the 200-mile limit must be accompanied by a guarantee in the Convention that all States would have access to the resources of the area. The exploitation of the resources of the international area would be the responsibility of the international community; and that responsibility would be vested in the international authority to be established.

In summary, his delegation's position was that the economic zone was a zone in which the coastal State exercised sovereign rights and where geographically disadvantaged countries also had rights in the context of regional solidarity. Exclusivity should be given a regional and subregional meaning, particularly for the under-developed countries. Countries with advanced fishery technologies would have access to the economic zone without discrimination but must obtain the prior consent of the coastal State. The concept of the economic zone would replace the concept of the contiguous zone; within the economic zone the coastal States would exercise traditional jurisdiction in fiscal, immigration, marine pollution and scientific research matters.

Mr. FERGO (Denmark) said that the attempt to find a balanced and reasonable regulation of fisheries was one of the most difficult and complex problems before the Conference. The different global interests in fisheries were, to some extent, reflected within the structure of the fishing industry in Denmark. In each of the three geographically separated parts of the country, namely Denmark, Greenland and the Faroe Islands, the industry had its own characteristics and its own important role in the economy. Denmark was among the 10 largest fish-producing countries of the world and fish and fish products played an important role in its total exports and made a major contribution to local economies in coastal and sparsely populated parts of the country. Denmark was situated in an area with relatively narrow waters where fishing by all countries of the region had historically taken place close to the coasts of neighbouring countries. In 1972, the main part of Denmark's total catch had been taken by Danish fishermen from continental Denmark, mainly in the North Sea and the Baltic Sea. His delegation believed that the fishery régime in an area with such geographical characteristics should take due account of the

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(Mr. Fergo, Denmark)

historical pattern of fishing which had, for a long period, functioned to the satisfaction of the countries concerned. In such areas, there should be the possibility of maintaining and establishing regional arrangements.

Greenland's geography and the scarcity of alternative employment opportunities there made its population heavily dependent on the sea for its livelihood. While Greenland's fishing industry was based mainly on coastal fishing, its fishermen were faced with great difficulties as some of the main stocks, had, in recent years, declined seriously owing to changes in the Arctic climate and intensive fishing by modern foreign fishing vessels in Greenland's waters. In order to restore Greenland's fish stocks and to develop its fishing industry, it was necessary to reserve a larger part of the living resources for local fishermen.

The Faroe Islands' fishing exceeded the catch of may foreign States and more than 90 per cent of the Islands' exports were fish products. The Faroe Islands were therefore heavily dependent on fishing both in coastal waters and in distant waters and in order to survive as a modern community, those barren oceanic islands must be given the chance by the international community to fish in waters outside their own.

His delegation fully recognized the need for coastal developing countries to extend their fishing zones up to 200 miles from the coast and it was with that recognition in mind that his delegation had, together with the other sponsors, submitted the draft articles in document A/CONF.62/C.2/L.40. That document took into consideration the fact that the structure of fishing industries and geographical conditions varied from region to region and the main idea in the proposed new fisheries régime was to give the coastal State the right to extend its fisheries zone over a wide area of the coastal waters. The coastal State should at the same time take account of other legitimate interests, particularly the right of other States in the same region, traditional fishing rights and the special needs of developing countries and those countries or regions whose populations were entirely dependent on fisheries for their livelihood.

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(Mr. Fergo, Denmark)

The coastal State had a major responsibility for rational exploitation and conservation of fish stocks. However, since the living resources of the sea moved from one region to another, the conservation measures must be international in nature and it was for that reason that the draft articles emphasized the importance of the regional fisheries organizations.

His delegation did not agree with others which had suggested that the exploitation of anadromous species should be regulated in the Convention. The most appropriate manner of dealing with those specific questions was to regulate them within the international fisheries organizations among the countries directly involved.

His delegation conceded that the draft articles were rather detailed, but it believed that any proposal which sought to take account of all the divergent and conflicting interests of countries must necessarily be somewhat elaborated. The proposals were meant to serve as a basis for discussion and he hoped that other delegations would see them as a genuine attempt to find balanced solutions in the interests of the world community as a whole.

Mr. Tuncel (Turkey) took the Chair.

Mr. LING (China) said that the item on preferential rights had been imposed on the Sea-Bed Committee by the two super-Powers in order to oppose the proposal by the developing countries for the establishment of exclusive economic zones. His delegation, which fully supported the proposal for a 200-nautical-mile exclusive economic zone, was opposed to the attempt by the super-Powers to limit the legitimate exclusive rights of the coastal States or to deprive them of those rights by introducing preferential rights in a disguised form. The professed recognition of the economic zone, while attempting to impose "preferential rights", made a mockery of the demand by several countries of the third world for the establishment of an exclusive economic zone. The draft articles on the economic zone submitted by the Soviet Union and other countries (A/CONF.62/C.2/L.38) were an example of such an attempt and his delegation firmly opposed it.

The theoretical basis for the denial of coastal States' exclusive jurisdiction over the economic zone, as set forth in document A/CONF.62/C.2/L.38, was the assertion that the economic zone which fell within the scope of national jurisdiction should be treated as part of the high seas. If the economic zone were truly part of the high seas,

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(Mr. Ling, China)

there would be no point in discussing the establishment of such a zone and the coastal States would then have to submit to the will of the super-Powers which monopolized the high seas. Furthermore, the document provided that each State might freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the economic zone. His delegation wondered whether there could be any fundamental scientific research in today's world that was not related, directly or indirectly, to specific military or economic purposes. It might also be asked what were the criteria for determining what kind of scientific research was related to the exploration and exploitation of resources and what was unrelated. It was common knowledge that the same super-Power which had sponsored the draft articles (A/CONF.62/C.2/L.38) constantly, on the pretext of "fundamental scientific research" or "freedom of scientific research", sent large numbers of "research vessels" or "fishing fleets" equipped with electronic devices into the coastal waters of other countries or beneath those waters for the sole purpose of carrying on espionage activities.

The 11 articles under section II of the Soviet draft were limitations on the sovereignty of the coastal State over fishery resources. It could be said that in that section, which was the main body of the draft, the theory of "preferential rights" was most fully elaborated. For example, assertions that the maximum annual allowable catch of fish should be determined in accordance with the recommendations of international fishery organizations and that fishermen of foreign States should be allowed to fish for the unused part of such allowable catch, were aimed at peddling the preferential rights being advocated. Those assertions had long been refuted by the developing countries and the only reason for that super-Power to make them again was that regardless of the radical changes in the situation, it was determined that there should be absolutely no change in its vested hegemonistic interests and its policies of aggression and plunder.

Articles 15 and 16 of the draft arbitrarily provided that the coastal State should grant foreign vessels permission to fish in its economic zone while giving priority to none other than the so-called States which had borne considerable material and other costs of research, discovery, identification and exploitation of living resource stocks, or which had been fishing in the region involved. Investigations showed that from the

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late 1950s to the early 1970s, at the same time as the military expansion of that super-Power on the seas and oceans had been stepped up, its distant water fishing activities had increased substantially. In the past decade the average annual catch of its distant water fishing had accounted for three quarters of its total annual catch. Furthermore, it had not hesitated to spend large sums of money to build fishing vessels of high tonnage, applying new fishing technology for the purpose of intruding into the sea areas of coastal States in order to carry out exploration and outright plunder. Its indiscriminate fishing was eloquent proof of the real intention of the sponsor of the draft articles (A/CONF.62/C.2/L.38). Furthermore, that super-Power, which had professed concern for the interests of the land-locked States, had placed itself ahead of the land-locked States for a share in the ownership of the resources found in the economic zone.

Finally, his delegation reiterated that it resolutely supported the proposal by the developing countries for the exclusive economic zone and was firmly opposed to the underhanded attempt of the super-Powers to substitute so-called preferential rights for the essential elements of the exclusive economic zone.

Mr. ANDERSEN (Iceland) said that, in the view of his delegation, the concept of the preferential rights of the coastal State and that of the exclusive economic zone represented two successive stages in the development of the law of the sea.

The systems which the first and second Geneva Conferences on the Law of the Sea had sought to establish in 1958 and 1960 could briefly be described as the formula of 6 plus 6 - a territorial sea of six miles and an additional zone of six miles for fishery limits. At both Conferences, the Icelandic delegation had adopted the position that the 12-mile fishery limits were not adequate and had proposed that, at the very least, preferential rights should be granted to coastal States where the population was overwhelmingly dependent upon coastal fisheries for its livelihood. That proposal, although adopted in committee at both Conferences, had not received the required two-thirds majority in plenary meeting. Iceland had also expressed the view that the resolution on special situations, adopted at the 1958 Conference, which provided for agreements on preferential rights between neighbouring States, could in no way be

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(Mr. Andersen, Iceland)

regarded as a substitute for exclusive fishery limits. The Conferences had also assumed that conservation measures would be prescribed by agreement between the States concerned, and that if the total allowable catch was not sufficient to satisfy all their requirements, a quota system would be arranged through regional agreements.

During the preparatory proceedings leading up to the present Conference, his delegation had consistently urged that a clear distinction should be made between the conservation of resources and the allocation of resources. It had maintained that all States were under a binding obligation to apply proper conservation measures, that regional and international co-operation was required for that purpose, and that the institutions concerned should therefore be strengthened. Its views in that regard were largely consistent with the decisions taken at the Geneva Conferences; but its position on the allocation of the resources in coastal waters was radically different. To say that all States should co-operate in conservation measures and then to apply a quota system for the allocation of coastal resources not only was misleading but also ignored the very purpose of fishery limits, which was to reserve coastal fishery resources for the benefit of the coastal State as an integral part of its natural resources. Hence the exclusive economic zone concept had emerged and relegated the system of preferential rights to history.

In cases where a coastal State was unwilling or unable to utilize the living resources within its exclusive economic zone, it should, of course, be allowed to issue licences to other States on reasonable terms. But that was a matter which must be decided by the coastal State itself and not by any third party. The very essence of the exclusive economic zone concept was that such matters must be decided by the coastal State and not by others, as had been the practice in the past.

Viewed against that background, the proposal in document A/CONF.62/C.2/L.40 was unacceptable because it sought to perpetuate the old system. Articles 4 to 8 of that draft provided for a zone beyond the territorial sea where the coastal State was entitled to reserve for itself that part of the allowable catch which its vessels were able to take, but must give consideration to the right of access of other States, particularly those which had habitually fished in the zone. Under article 9, a coastal State must notify the competent organization of its intentions in that respect, and if there was no agreement, the dispute would be referred to a special committee. It could

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(Mr. Andersen, Iceland)

be seen therefore that the system envisaged by the sponsors of document A/CONF.62/C.2/L.40 was in no way compatible with the concept of the exclusive economic zone; in fact, it was little more than a reincarnation of the old Geneva system. The draft articles in document A/CONF.62/C.2/L.38 appeared at first sight to reflect a more realistic approach.

The delegations of the Federal Republic of Germany and the German Democratic Republic had quoted the judgement of the International Court of Justice of 25 July 1974 as an argument for perpetuating "historic" or "traditional" rights within the exclusive economic zone. However, paragraph 53 of that judgement unmistakably revealed the Court's reluctance to anticipate the conclusions of the present Conference. The Court had not wanted, even if it had been able, to give any instructions to the Conference concerning the exclusive economic zone, and since the Conference had resoundingly supported the economic zone concept, it was clear that the preferential rights system now belonged in the past.

Mr. MOLODTSOV (Union of Soviet Socialist Republics) said that his delegation supported the recognition of preferential rights of coastal States over anadromous species outside the economic zone. That position was reflected in article 20 of document A/CONF.62/C.2/L.38.

Anadromous fish were unique in that they returned, after lengthy migration in the oceans, to the fresh waters in which they had been spawned. Most anadromous fish spawned once and then died in the spawning reaches. On many occasions, non-rationalized fishing had led to the complete extermination of the fish stock from a given river. As a result, the costly efforts by the coastal State to renew and manage stocks were completely fruitless. Serious social problems, such as the need to relocate specialized fishermen and their families, then arose.

The proper approach was to grant the coastal State in whose rivers anadromous fish spawned sovereign rights over anadromous species and all other living resources within the economic zone, and preferential rights outside the zone in the migration area of anadromous species. Foreign fishing for anadromous fish should be on the basis of agreement between the coastal and other States concerned, bearing in mind, particularly, that it was the coastal States that were really in a position to assess and regulate the numbers of fish going to the spawning ground and to catch them without prejudicing the regeneration of the fish stocks.

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(Mr. Molodtsov, USSR)

Clearly, States that participated jointly with the coastal State in measures to regenerate anadromous fish stocks should have preferential fishing rights, as should States that had traditionally fished for those species. The combined efforts of coastal and other States would be necessary for that purpose.

One delegation had just spoken in terms that grossly distorted the USSR's position as set out in document A/CONF.62/C.2/L.38. He reserved the right to deal with the fabrications contained in that statement at an appropriate time.

The basis of a solution to the acute and complex problem of fishing in the world ocean must be the principle of reconciling the just interests of all States and peoples in the rational use of valuable marine food resources, their renewal and conservation. He recognized the particular interest of the developing countries in those resources, which would help to raise the level of living and well-being of their peoples and to consolidate their economic and political independence. Those principles were the basis of the draft articles in document A/CONF.62/C.2/L.38, article 2 of which had not been mentioned by the delegation in question. Article 12 also provided for broad jurisdiction of coastal States in the economic zone - a fact that the representative in question had passed over in silence because it did not suit his delegation's unseemly objective of distorting the position of the sponsors of the document. Other articles in the draft were intended to protect the interests of other States interested in the rational use of the living resources of the world ocean.

He wished to know where the representative in question had obtained his false information about the espionage activities of Soviet fishing and other vessels. Clearly, the only way to determine what vessels were doing on the high seas would be for that representative's country to engage in true espionage. The reason why that delegation was systematically distorting the USSR's position and slandering that country was that it was doing everything possible to grab the leadership of the Conference, particularly among the countries of the third world, which it wished to see quarrelling with many socialist countries. But it would not succeed in its hegemonistic intentions. What infuriated it was the spirit of constructive work prevailing at the Conference. Those hegemonistic intentions were also being rebuffed outside the Conference. Many countries of the third world had long come to understand that behind the flattering words spoken by the representatives of that country lay a thirst for power and leadership. That was surely shown by the fact that that country had made territorial claims on most of its

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neighbours and did not stop short of using force to press those claims. Anti-Soviet and slanderous statements were a cover-up for those unseemly policies. He was convinced that the Conference would not allow itself to be diverted from its task.

Mr. ARIAS SCHREIBER (Peru) said that his delegation's position concerning the régime for fisheries in the waters adjacent to coastal States was radically different from that of the maritime Powers. It was common knowledge that one of the main reasons for the establishment of zones under national jurisdiction up to 200 miles in breadth was to enable coastal States to regulate and control their fisheries. To subject fishing in coastal waters to international regulations would defeat that objective.

The rights exercised by the coastal State with regard to the exploration and exploitation of renewable resources must be basically the same in both the territorial sea and the economic zone or patrimonial sea. In both areas, the coastal State should be entitled to adopt the necessary regulations for the administration and conservation of its renewable resources and to establish enforcement procedures. That power must belong exclusively to the coastal State by virtue of the rights vested in it within the zones under its national jurisdiction.

The foregoing explained why those countries which favoured a territorial sea or national economic zone extending up to 200 miles had not deemed it necessary to include provisions on fisheries in the draft articles they had prepared.

The maritime Powers, on the other hand, were afraid that the omission from the future convention of general rules concerning fisheries might lead other coastal States to promulgate measures that threatened their interests. Their fears were partly justified; the development of fishing industries and activities by all coastal States in their adjacent waters could be expected to restrict the activities of distant-fishing fleets. However, to assert that some countries must always play the role of "leaders" and others of "subjects" was entirely unreasonable and, furthermore, was tantamount to attempting to arrest a natural and inevitable historical process. While the fact that the coastal State had powers to regulate the exploration and exploitation of the renewable resources in its adjacent waters would affect certain maritime Powers, they should have the integrity to admit that they were defending their own interests, instead of claiming that they were protecting the interests of the international community. Were the 12 or so maritime Powers engaged in distant fishing the only members of that

(Mr. Arias Schreiber, Peru)

community? The developing coastal States could far more validly argue that they had the interests of the international community at heart by wishing to extend the limits of their maritime jurisdictions, thus promoting the development and well-being of their peoples. However, they deemed it more honest to speak of the interests of certain States vis-à-vis the interests of other States.

While it was true that the activities of distant-fishing fleets would be adversely affected by the extension of zones under national jurisdiction, none the less such enterprises could either continue fishing operations after concluding agreements with coastal States, or, since they were generally wealthy, transfer their attention to other fishing areas. Moreover, they were relatively few in number, The beneficiaries of wider zones, on the other hand, would be many: the inhabitants of a majority of countries who fished for their livelihood; the workers in related industries; and the population as a whole, for whom such zones represented more food, more jobs and better levels of living. The merits of both arguments must be weighed in order to determine whose rights were the more compelling: those of the distant Powers or those of the coastal States in whose adjacent waters the resources were to be found.

The international community also stood to gain from the extension of the zones under national jurisdiction, since the result would be more coastal fishing and hence cheaper fish. Competition between fleets from different States raised the prices of fish products, and the cost of the catch was in direct ratio to the distance travelled by the fishing vessels. It was therefore difficult to see how the proposals of the developing coastal States could adversely affect the interests of the international community. The unjust system was the present one; fortunately its end was in sight, whether or not the new ideas held by the majority gained the support of the few who were still unwilling to change it.

His delegation was prepared to consider the establishment of an equitable and lasting legal order for the use and exploitation of the sea and, together with the delegations of Ecuador and Panama, it had submitted draft articles on the management of living resources within zones of national jurisdiction, conditions for access by nationals of other States, the conservation of resources, enforcement procedures and the settlement of disputes (A/AC.138/SC.II/L.54). It was currently preparing, together with other delegations, some more draft articles which would supplement those basic principles; it should be possible to introduce them in a few days' time.

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(Mr. Arias Schreiber, Peru)

Peru believed that the coastal State should manage the living resources whose normal habitat lay off its coast or whose life cycle was dependent upon the ecological system of the adjacent waters. It also believed that the coastal State had the right and duty to adopt and enforce any measures required for the conservation of its living resources. In the matter of conservation, the coastal State should co-operate with other States and bear in mind the recommendations of regional and international organizations.

Peru had always been in favour of allowing the nationals of other countries to fish for species which were not fully exploited by the fishermen of the coastal State provided that the relevant regulations were respected and that their activities did not interfere with the development of local industries or domestic consumption. It was therefore favourable to such participation by nationals from land-locked and other geographically disadvantaged countries under agreements with the coastal State. It went without saying that the coastal State had sole authority to enforce control measures within the zone under its national jurisdiction.

With regard to document A/CONF.62/C.2/L.38, he said that although his delegation appreciated the efforts of the sponsors in submitting draft articles on the economic zone, it did not believe that the articles could provide an adequate basis for a satisfactory agreement.

In conclusion, he said that his delegation had come to the Conference with the intention of assisting in the formulation of a new law of the sea which would correct past inequities and bring to an end the privileges of a handful of Powers. Although it was still prepared to participate constructively in the quest for reasonable solutions, there were limits to its tolerance. Peru had exercised its sovereignty over a 200-mile zone off its coast for almost 30 years. It had punished law-breakers, faced up to threats and coercive measures, and successfully developed its fishing and related industries. It was not therefore prepared now to renounce its rights or its achievements or to accept the conversion of its national waters into an essentially international zone, in which foreign fishing fleets could exploit the resources for the benefit of wealthier and more powerful nations.

Mr. LING (China) observed that one delegation had said that its position had been distorted by China. Did that mean that that delegation wished to state that it

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(Mr. Ling, China)

endorsed the exclusive economic zone concept? The same delegation had alleged that China pursued hegemonistic aims, but the records showed that that was not true. As for espionage activities, he would not attempt to refute its assertions for the facts spoke for themselves and were too numerous to recount on the present occasion. That delegation did not convince anyone. It was a case of the same old tune, on the same old record, played by the same old gramophone.

The meeting rose at 12.40 p.m.